

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

**United States District Court
Southern District of Texas
ENTERED**

AUG 18 2015

UNITED STATES OF AMERICA

Plaintiff,

V.

15.919 ACRES OF LAND, MORE OR
LESS, SITUATED IN CAMERON
COUNTY, TEXAS; AND THE CITY OF
BROWNSVILLE, ET AL.,

Defendant.

CASE NO. 1:08-CV-427

David J. Bradley, Clerk of Court

ORDER ESTABLISHING JUST COMPENSATION, GRANTING POSSESSION OF TRACTS RGV-FTB-1070, RGV-FTB-1070-1, AND RGV-FTB-1070-2, DISBURSING FUNDS ON DEPOSIT IN THE REGISTRY OF THE COURT AND PARTIAL FINAL JUDGMENT AS TO F.E. ZAVALA, JR.

Pursuant to the Stipulation for Order Establishing Just Compensation, Granting Possession of Tracts RGV-FTB1070, RGV-FTB1070-1, and RGV-FTB-1070-2, Disbursing Funds on Deposit in the Registry of the Court and Partial Final Judgment as to F.E. Zavaleta, Jr., signed by the Plaintiff, United States of America (herein "United States"), and the Defendant, F.E. Zavaleta, Jr. (herein "Defendant"), **IT IS HEREBY ORDERED AND ADJUDGED**, that:

1. The full and just compensation payable by the United States shall be: (a) the sum of three thousand five hundred and 00/100 dollars (\$3,500.00) which sum is all inclusive, for the taking of the stated interests in Tracts RGV-FTB-1070, RGV-FTB-1070-1 and RGV-FTB-1070-2 identified in the Second Amendment to Complaint in Condemnation (Docket No. 103) and Second Amendment to

Declaration of Taking (Docket No. 102), each filed herein, together with all improvements thereon and appurtenances thereto belonging.

2. Judgment is hereby entered against the United States in the amount of three thousand five hundred and 00/100 dollars (\$3,500.00) for its taking of the Estates in Tracts RGV-FTB-1070, RGV-FTB-1070-1, and RGV-FTB-1070-2.
3. On September 19, 2008, the United States deposited the amount of one hundred twenty-three thousand one hundred and 00/100 (\$123,100.00) dollars (Docket No. 4) as estimated just compensation for the estate taken in Tracts, RGV-BRP-3009, RGV-BRP-4001, RGV-FTB-1001, RGV-FTB-1011-1, RGV-FTB-1011-2, RGV-HRL-4006, RGV-FTB-1011E, RGV-BRP-4001E, and RGV-BRP-4001E-2. On December 23, 2009, the United States deposited a check in the amount of thirty thousand five hundred and 00/100 (\$30,500.00) dollars into the Registry of the Court (Receipt No. 607520) for the estate taken in Tracts RGV-BRP-3009-1, RGV-BRP-3009-2, RGV-BRP-3009-3, RGV-FTB-1001-1, and RGV-FTB-1001-2. Of these funds, two thousand eight hundred and 00/100 dollars (\$2,800.00) dollars was designated for Tracts RGV-FTB-1070, RGV-FTB-1070-1, and RGV-FTB-1070-2 in Schedules "F" and "FFF" of the Second Amendment to Declaration of Taking (Doc. No. 102). On January 26, 2015, the Court entered an Order (Docket No. 231) transferring one hundred thirty-three thousand three hundred and 00/100 (\$133,300.00) dollars designated for Tracts RGV-BRP-3009, RGV-BRP-3009-1, RGV-BRP-3009-2, RGV-BRP-3009-3, RGV-BRP-4001, RGV-BRP-4001E, RGV-BRP-4001E-2, RGV-FTB-1001, RGV-FTB-1001-1, RGV-FTB-1011-1, RGV-FTB-1011-2, RGV-FTB-1011E, RGV-FTB-1011-3,

RGV-FTB-1059 and RGV-FTB-1059-1 as described in Schedules "F" and "FFF" of the Second Amendment to Declaration of Taking (Docket No. 102) in cause number 1:08-cv-427 to cause number 1:08-cv-430. The United States deposited an additional sum of seven hundred and 00/100 dollars (\$700.00) on July 30, 2015 in order to fund the settlement agreement between the parties (Docket No. 243). The stipulated just compensation of three thousand five hundred and 00/100 dollars (\$3,500.00) deposited by the United States into the Registry of the Court and designated for Tracts RGV-FTB-1070, RGV-FTB-1070-1, and RGV-FTB-1070-2 remains in the Registry of this Court to fully fund the settlement agreement between the United States and F.E. Zavaleta, Jr.

4. On June 16, 2009, the United States was found by this Court to be entitled to immediate possession of Tract RGV-FTB-1001 and all persons in possession or control of the interests taken in said properties were ordered by this Court to surrender possession of same to the United States (Docket No. 19). The United States is hereby found to be entitled to immediate possession of Tracts RGV-FTB-1070, RGV-FTB-1070-1, and RGV-FTB-1070-2 and all persons in possession or control of the interests taken in said properties are ordered by this Court to surrender possession of same to the United States.
5. Without further Order of this Court, the Clerk is hereby ordered to distribute the sum of three thousand five hundred and 00/100 dollars (\$3,500.00) along with any interest earned thereon while on deposit in the Registry of the Court payable to F.E. Zavaleta, Jr.

6. Defendant, F.E. Zavaleta, Jr., warrants that he was the owner of Tracts RGV-FTB-1070, RGV-FTB-1070-1, and RGV-FTB-1070-2 on the dates of their respective takings; that he has the exclusive right to the compensation, for the aforementioned tracts herein; excepting the interests of parties having liens, encumbrances of record, and unpaid taxes and assessments, if any; and that no other party, other than the F.E. Zavaleta, Jr. is entitled to the just compensation for Tracts RGV-FTB-1070, RGV-FTB-1070-1, and RGV-FTB-1070-2 or any part thereof by reason of any unrecorded agreement.
7. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive just compensation for the estates taken in Tracts RGV-FTB-1070, RGV-FTB-1070-1, and RGV-FTB-1070-2, Defendant, F.E. Zavaleta, Jr., shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate calculated pursuant to 40 U. S. Code § 3116 (2006), from the date of receipt of the respective deposit by the Defendant to the date of repayment into the Registry of the Court.
8. There being no outstanding taxes or assessments due or owing, Defendant, F.E. Zavaleta, Jr., shall be responsible for the payment of any additional taxes or assessments owed on the interests in the properties taken in this proceeding through the dates of their respective takings.
9. The parties shall be responsible for their own legal fees, costs, and expenses, including attorney's fees, consultants' fees, and any other expenses or costs; that they shall take no appeal from any rulings or judgments made by the Court in this

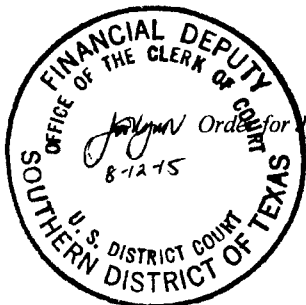
action; and the parties consent to the entry of all orders and judgments necessary to effectuate this joint motion.

10. Defendant F.E. Zavaleta, Jr., shall save and hold harmless the United States of America from all claims or liability resulting from any unrecorded leases or agreements affecting the interests in the properties taken in this proceeding on the dates of their respective takings.
11. This order binds the administrators, successors, assigns, agents, and representatives of Defendant, F.E. Zavaleta, Jr.
12. This case is concluded as to Defendant F.E. Zavaleta, Jr., and the Court hereby enters partial final judgment in this case as to Tracts RGV-FTB-1070, RGV-FTB-1070-1, and RGV-FTB-1070-2. The Court further orders that F.E. Zavaleta, Jr., be dismissed from this case.

DONE AND ORDERED, in chambers, at Brownsville, Texas, this 18th
day of August, 2015.



ANDREW S. HANEN
United States District Judge



AGREED AS TO FORM AND SUBSTANCE:


FOR DEFENDANT:

By: 
F.E. ZAVALETA, JR.

FOR PLAINTIFF:

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